

## REMARKS

This application has been reviewed in light of the Final Office Action mailed on December 31, 2009. Claims 1-5 and 7-12 are pending, of which Claims 1 and 8 are in independent form. By the present amendment, Claims 1 and 8 have been amended and Claims 6 and 13 have been cancelled.

By the present amendment, Claim 1 has been amended to include the recitation, "wherein the step of monitoring comprises the step of restarting the received timebase if the identification signal is present." Claim 8 has been amended to include a similar recitation. The recitation has been added to better clarify Applicant's claimed subject matter and better define Applicant's claim language. Reconsideration of the present application, as presently presented, is respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2003/0079225 to Peising et al. in view of U.S. Patent Application No. 2004/0034875 to Bulkowski et al. Claims 6 and 13 have been cancelled and similar limitations as originally recited by Claims 6 and 13 have been incorporated into independent Claims 1 and 8. Therefore, Applicant respectfully submits that a new search is not necessary.

Applicant has amended independent Claims 1 and 8, as stated above, to better clarify Applicant's claimed subject matter and better define Applicant's claim language. It is believed that Applicant's independent claims are patentably distinct over the disclosure of Peising et al. and Bulkowski et al., taken alone or in any proper combination.

Independent Claim 1 now recites, "wherein the step of monitoring includes the step of restarting the received timebase if the identification signal is present." Independent Claim 8 has

been amended to include similar limitations as independent Claim 1. Support for such amendments is found at, for example, page 3, lines 25-29 of Applicant's specification.

The prior art of record does not disclose or suggest the monitoring step comprising the step of restarting the received timebase if the identification signal is present, as recited by Applicant's independent Claim 1, and similarly recited by Applicant's independent Claim 8.

In particular, Peising et al. teaches a method of processing a broadcast signal comprising receiving a broadcast signal, the signal comprising a video component and an audio component. The broadcast signal is monitored for an identification signal, and the operation of the interactive application is interrupted if the identification signal is not present. (abstract) Therefore in those sections of the broadcast signal 28 that have been added by the distributor 12 and do not have an identification signal, the monitoring means will note the absence of the identification signal 24 and interrupt the running of the interactive application. In its simplest execution this interruption will be the suspension of the interactive application pending the return of the identification signal 24.

Peising et al. does not disclose or suggest the monitoring step comprising the step of restarting the received timebase if the identification signal is present, as recited by Applicant's independent Claim 1, and similarly recited by Applicant's independent Claim 8. The Examiner states in the Office Action with respect to now cancelled Claim 6 that Peising et al. does not explicitly teach restarting the timebase. The Examiner relies on Bulkowski et al. to address the deficiencies of Peising et al. With respect to now cancelled Claim 6, Examiner states that Bulkowski et al. discloses "that the client device **recreates** the timebase associated with the data stream." (Emphasis added)

It is respectfully submitted that Applicant's Claims 1 and 8 recite restarting the timebase and not recreating the timebase. Restarting the timebases is patentably distinct from recreating the timebase.

Applicant's Claim 1 recites "the step of monitoring comprises the step of **restarting** the received timebase if the identification signal is present." The Examiner refers to paragraph 83 of Bulkowski et al. which states, "the client uses these pulses to recreate the internal timebase associated with the data substream. Data are not guaranteed to be transmitted to the client without loss, and transmission delays within the client itself or the in broadcast medium are likely to cause a jitter in the reception of these time pulses. The client applies an appropriate smoothing algorithm, for instance a calculated average over eight time pulses, to recreate the original timebase from the incomplete data that it receives." There is no teaching or suggestion in paragraph 83 or elsewhere of Bulkowski et al. of restarting the timebases as, as recited by Applicant's independent Claim 1, and similarly recited by Applicant's independent Claim 8, let alone, restarting the received timebase if the identification signal is present, as recited by Applicant's independent Claim 1, and similarly recited by Applicant's independent Claim 8.,

Accordingly, Applicant respectfully submits that independent Claims 1 and 8 are patentable over Peising et al. and Bulkowski et al., taken alone or in any proper combination. Therefore, withdrawal of the rejection with respect to independent Claims 1 and 8 under 35 U.S.C. §103(a) and allowance of said claims are respectfully requested.

Claims 2-5, 7 and 9-12 depend, directly or indirectly, from independent Claim 1 or 8 and contain all of the features of Claim 1 or 8. Therefore, for at least the reasons presented above for the patentability of Claims 1 and 8, it is respectfully submitted that Claims 2-5, 7 and 9-12 are also patentable over Peising et al. and Bulkowski et al, taken alone or in any proper combination.

Additionally, dependent Claims 2-5, 7 and 9-12 contain further patentable elements. Hence, withdrawal of the rejection with respect to Claims 2-5, 7 and 9-12 under 35 U.S.C. §103(a) and allowance of said claims are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-5 and 7-12, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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